



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bauer et al.

CERTIFICATE OF MAILING

Application No. 10/686,548

Filed: October 14, 2003

Confirmation No. 3478

For: POSITIVE DETECTION LATERAL-FLOW
APPARATUS AND METHOD FOR
SMALL AND LARGE ANALYTES

Examiner: Gary W. Counts

Art Unit: 1641

Attorney Reference No. 6122-66637-01

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)Date Mailed December 27, 2005

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of Examiner Gary W. Counts mailed October 18, 2005, finally rejecting claims 1-29, 31, 35-38, 40-45, 47, and 49.

The fee \$250.00 per 37 C.F.R. § 1.17 (b) for filing this Notice of Appeal is enclosed.

A request for a two-month extension of time (and the appropriate fee) was already filed on December 2, 2005. Since the period for response has already been extended to December 27, 2005, no additional extension of time is required. However, if an extension of time is required for filing this Notice of Appeal please consider this a petition therefor.

Please charge any additional fees that may be required in connection with filing this Notice of Appeal and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this Notice of Appeal is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By

William D. Noonan, M.D.

Registration No. 30,878